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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,132	03/02/2004	Fu-Sheng Wang	0941-0923P	3011
2292	7590	02/22/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			CHU, DAVID H	
			ART UNIT	PAPER NUMBER
			2672	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/790,132	Applicant(s) WANG, FU-SHENG	
	Examiner David H. Chu	Art Unit 2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 3, 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9 is/are rejected.
- 7) ☒ Claim(s) 4-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Drawings

1. Color photographs and color drawings are not accepted unless a petition filed under 37 CFR 1.84(a)(2) is granted. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings and black and white photographs have been satisfied. See 37 CFR 1.84(b)(2).

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

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3. Note with respect to claim 9, the equations recited in the claim is not clear.

There is no sufficient explanation regarding the value "position n." Further, the equations " $(\text{position } n) - (n-1) \cdot (d/2)$ " and " $(\text{position } n) - (n-1) \cdot (d/2) - d$ " is confusing as it computes values of different dimensions, wherein "position n" is a coordinate value and the parameter "n" is a one-dimensional value.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamburg U.S. Patent No. 6,028,583.**

6. Note with respect to claim 1, Hamburg teaches the use of a "plurality of layers 52 and masks 56" for composite image manipulation, best shown in FIG. 6 (col. 3, line 65-66 & col. 4, line 8-22). To composite a plurality of layers and masks is the equivalent to merging a plurality of layers and masks as recited by applicant. To place an image in a layer for manipulation is the equivalent to initializing the layers and masks.

7. Further, to have pixel information of an image for an image layer is inherent. The teachings of Hamburg further show that the masks may be represented by pixels and

include image objects and graphical objects (col. 4, line 15-18). Therefore, the masks and layers clearly have pixel information of the picture.

8. Further, Hamburg teaches the source for manipulation being a graphical image document (col. 3, line 65-67). To create a graphical image “according to user input” is inherent.

9. Further, Hamburg teaches the pixel values of the each of the masks being clearly determined according to the position of the mask in the plurality of layers (col. 4, line 13-22).

10. However, Hamburg does not expressly teach “translating the layers and masks to positions determined according to user input.”

11. It would have been obvious to one of an ordinary skill in the art to translate the graphical image document teachings of Hamburg to positions according to user input to carry out the desired multi-vision effect as claimed by applicant, because the user will be able to position the image as desired not being limited to the original position of the image.

12. Note with respect to claim 2, Hamburg teaches the masks of each layer containing “transparency information” (col. 4, line 14-22).

13. Note with respect to claim 3, Hamburg teaches the source for manipulation being a graphical image document as described above.

14. However, Hamburg does not expressly teach the number of layers and masks to be user defined.

15. It would have been obvious to one of an ordinary skill in the art to define the number of layers and masks by the user to allow added customization of the image.

16. Claims 4-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. The following is a statement of reasons for the indication of allowable subject matter:

18. As to claim 4, references Hamburg, Simard et al. and Adelson have been made of record as teaching the use of a plurality of layers and masks for graphic manipulation. However, none of the prior art teaches or suggests the use of the combination of parameters for defining a multi-vision effect, as presently claimed.

19. Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

20. Simard et al. PGPUB Document No. 20030202697 discloses a system and method for encoding and decoding document images, which are segmented into multiple layers according to a mask.

21. Adelson U.S. Patent No. 5706417 discloses an image represented as a series of layers, wherein each layer comprises one or more maps containing information about the image.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Chu whose telephone number is (571) 272-8079. The examiner can normally be reached on M-F 8am-5pm.

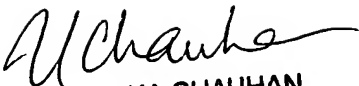
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on (571) 272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DHC


ULKA CHAUHAN
SUPERVISORY PATENT EXAMINER